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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/884,090 | 06/20/2001 | Yasuo Matsumura | 109890 | 2361 |

7590 10/14/2003

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P.O. Box 19928
Alexandria, VA 22320

EXAMINER

NOTE, JANIS L

| ART UNIT | PAPER NUMBER |
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1756

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 09/884,090 | 6/20/01 | MATSUMURA et al. | 109890 |

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| EXAMINER | |
| J. DOTE | |
| ART UNIT | PAPER NUMBER |
| 1756 | 16 |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

The amendment document filed in Paper No. 15 on Jul. 23, 2003, is considered to be non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction to the following item(s) is required in compliance with 37 CFR 1.121 as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), in this case, the entire "Amendments to the Specification" section of applicant's amendment document must be resubmitted.** 37 CFR 1.12(h).

The amendment to the paragraph beginning at page 5, line 19, of the specification filed in Paper No. 15, is not in compliance with 37 CFR 1.121, for the reasons discussed in the prior "Notice of Non-Responsive Amendment" mailed on Jul. 1, 2003, Paper No. 13. The amendment to the paragraph in Paper No. 15 tries to amend a paragraph that is not present in the instant application. The amendment in Paper No. 15 appears to be an attempt to amend the originally filed paragraph beginning at page 5, line 19, of the specification. However, the originally filed paragraph was previously amended in Paper No. 10 filed on Dec. 12, 2002.

Application/Control Number: 09/884,090
Art Unit: 1756

See Paper No. 10, pages 1-2.

37 CFR 1.121(B) states that "[a]mendments to the specification . . . must be made by presenting a replacement paragraph . . . marked up to show changes made relative to the immediate prior version" (emphasis added). The amendment in Paper No. 15 does not amend the immediate prior version filed in Paper No. 10.

Since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this notice within which to re-submit the corrected "Amendments to the specification" which comply with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (703) 308-3625. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (703) 308-2464. The central fax phone number is (703) 872-9306.

Any inquiry of papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Palestine Jenkins, whose telephone number is (703) 308-3521.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JLD
October 12, 2003

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1500
1700